

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

(1) SEAN BUCKNER, an individual, and
(2) RONALD E. DURBIN, II, an
individual

Plaintiffs,

vs.

No. CV-24-299-JAR

(1) JOEY DON OLIVER, an individual,
(2) TOWN OF BOKOSHE, a political
subdivision of the State of Oklahoma,
(3) SHALOA EDWARDS, an individual,
(4) KATHERINE FAITH BROYLES, an
individual, and
(5) ALBERT DALE WHITECOTTON,
an individual,

Defendants.

DEFENDANTS JOINT MOTION TO STAY DEADLINES

COMES NOW Defendant, (1)Joey Don Oliver, individually, (2) the Town of Bokoshe, a political subdivision of the State of Oklahoma, by and through his attorneys of record, Steidley & Neal, P.L.L.C., (3) Shaloe Edwards, an individual, (4) Katherine Faith Broyles, an individual, and (5) Albert Dale Whitecotton, an individual, by and through their attorneys of record, Sam Sexton, of SEXTON & MASRI, (hereinafter referred to collectively as “the Defendants”) submit this Joint Motion to Stay all deadlines for the reasons stated:

1. Plaintiffs filed their Petition on July 25, 2024, in Sequoyah County District Court.
2. On July 26, 2024, an Amended Petition was filed adding Defendant Albert Dale Whitecotton.

3. On August 15, 2024, the Defendants removed the matter from Sequoyah County to the United States District Court for the Eastern District of Oklahoma. [Doc. 15]

4. Defendant Town of Bokoshe filed its Motion to Dismiss on August 15, 2024. [Doc. 11]

5. On August 19, 2024 Defendant Oliver in his official capacity filed a Motion for an Extension of Time to Respond. [Doc. 12]

6. This Court issued a Minute Order on August 20, 2024, granting Defendant Oliver's request for an extension of time. [Doc. 15]

7. On August 20, 2024, Defendants Edwards, Broyles, and Whitecotton in their individual capacity filed a Motion for an Extension of Time to Respond. [Doc. 16]

8. This Court issued an Amended Minute Order Granting Defendant Edwards, Broyles and Whitecotton's request for an extension of time. [Doc. 17]

9. On August 27, 2024, this Court entered an Order Setting Scheduling Conference and Requiring Joint Status Report. [Doc. 19] This order required the parties to hold a meet & confer in order to comply with the submission of the Joint Status Report.

10. On August 29, 2024, counsel for Defendants Town of Bokoshe and Joey Oliver reached out via email to Plaintiffs and the other Defendants counsel in an attempt to set up a time to have a meet & confer.

11. Late on the evening of August 29, 2024, Plaintiff Ronald Durbin sent an email to counsel for Defendants Town of Bokoshe and Joey Oliver indicating it was their intention to dismiss the Town as well as all claims related to violation of the Plaintiff's civil rights.

12. Plaintiff then indicated to counsel for Defendants Oliver, Edwards, Broyles and Whitecotton, as individuals, that they would dismiss claims against them if they would agree to dismiss the pending protective orders they had filed against the Plaintiffs.

13. At present, counsel for Defendants have not yet had the opportunity to speak to each individual as most of this transpired on Friday August 30, 2024.

14. Answers are due for all of the individual Defendants on September 3, 2024.

15. Defendants respectfully request the Court order a Stay of all deadline in order to facilitate the possibility of dismissal. If the parties cannot come to an agreement regarding dismissal within fourteen (14) days, then we would ask the deadlines be reinstated allowing for additional time lost during the stay.

16. Counsel for Defendants Town of Bokoshe and Joey Oliver, spoke to Plaintiffs on September 3, 2024, and Plaintiffs indicated they would have no objection to a Stay of the deadlines pending an agreement on dismissal.

17. This Request is made in good faith and not for the purpose of delay.

WHEREFORE, premises considered, Defendant (1)Joey Don Oliver, individually, (2) the Town of Bokoshe, a political subdivision of the State of Oklahoma, (3) Shaloe Edwards, an individual, (4) Katherine Faith Broyles, an individual, and (5) Albert Dale White cotton, an individual, hereby jointly requests a Stay of all pending deadlines and the for the Court Clerk to grant an additional fourteen (14) day extension of time to answer or further plead, as requested above in the event that an agreement for dismissal cannot be reached.

Respectfully submitted,

STEIDLEY & NEAL, P.L.L.C.
Attorneys for Defendants
Joey Don Oliver and Town of Bokoshe

By: s/Meaghen E. Clark
Sean M. McKelvey, OBA #17098
mmm@steidley-neal.com
Meaghen E. Clark, OBA #32830
mac@steidley-neal.com
Eli C. Bland, OBA #32976
ecb@steidley-neal.com
P.O. Box 1165
McAlester, OK 74502
(918)423-4611
(918)423-4620 - fax

And

s/Sam "Chip" Sexton, III
Sam "Chip" Sexton, III, OBA #12475
csexton@sextonmasri.com
Attorney at Law
Sexton & Masri
604 South 21st Street
Fort Smith, AR 72901
(479)434-6731
Attorneys for Defendants Joey Oliver, individually,
Shaloe Edwards, Katherine Faith Broyles, and
Albert Dale Whitecotton

Certificate of Service

X I hereby certify that on the 3rd day of September 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Sam “Chip” Sexton

csexton@sextonmasri.com

X I hereby certify that on the 3rd day of September 2024, I served the attached document by U.S. Mail, certified return receipt, with postage fully prepaid, on the following who are not registered participants of the ECF System:

Ronald E. Durbin, II
8703 S. Winston Avenue
Tulsa, Oklahoma 74137
Pro Se Plaintiff

Sean Buckner
107360 S 4650 Rd
Sallisaw, Oklahoma 74955
Pro Se Plaintiff

s/Meaghen E. Clark
of Steidley & Neal, P.L.L.C.